

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

TRACEY WHITE et. al.,

*

Plaintiffs,

*

vs.

* **Case No. 4:14-cv-01490 (HEA)**

*

THOMAS JACKSON, et. al.,

*

Defendants.

*

**PLAINTIFFS' REPLY TO THE RESPONSE IN OPPOSITION
TO THEIR MOTION FOR FURTHER AND FINAL
MODIFICATION OF THE COURT'S CASE MANAGEMENT ORDER**

Come now the plaintiffs, by and through counsel, and hereby submit their reply to the Response In Opposition To Plaintiffs' Motion For Further Modification Of The Court's Case Management Order filed by the St. Louis County defendants. The plaintiffs have attempted to litigate this case civilly and with an eye toward not involving the Court to address matters that reasonable parties should be able to mediate themselves, especially from a discovery point. The motion that the plaintiffs filed for further and final modification of the scheduling order, could have been filed sooner, that much is true. However, it would have been premature as we discovered after filing the first motion because of the volume of discovery at issue and the necessity of the plaintiffs' engaged expert to review the discovery materials obtained.

For reasons that are both unclear and unnecessary, the St. Louis County defendants try to depict the plaintiffs as being dilatory, when they know that such is not the case. The plaintiffs served discovery requests upon the St. Louis County defendants on July 16, 2015. Exhibit 1. The County defendants responded to those requests on August 31, 2015. Exhibit 2. The responses were so

utterly deficient that a motion to compel would have been justified under the Rules because the responses amounted to a failure to respond. Instead of involving the Court at that time, the plaintiffs felt compelled to immediately put the County on notice of their deficiencies. Exhibit 3. Shortly thereafter, the plaintiffs sent a detailed letter to counsel for the County defendants specifically identifying the deficiencies. Exhibit 4. The parties began discussing deposition dates on August 20, 2015. Exhibit 5. However, because of the calendars of counsel for the defendants and their officers, the first available dates when everyone was available was at the end of September and the beginning of October.

The point here is that all of the parties agree that a modification of the case management order is appropriate, the difference of opinion concerns moving the trial date, and the plaintiffs explained their hesitation in doing that to counsel for the County on November 9, 2014. Exhibit 6. The finger pointing by the County defendants is both unwarranted and unfortunate under the circumstances given that the plaintiffs have tried very hard not to involve the Court in any of the discovery disputes in this case. The proposed modification of the case management order is based upon a truly accurate assessment of the situation, will not be prejudicial to the defendants, particularly should the Court modify the case management order as they alternatively request.¹

Wherefore for the reasons stated herein and in the record of this proceeding, the plaintiffs request that the Court grant the modification as requested, or alternatively, as requested by the defendants.

¹ Although, it is inconceivable that the modification requested by the plaintiffs could cause the defendants any prejudice at all.

Respectfully submitted,

By /s/ Gregory L. Lattimer
Gregory L. Lattimer [371926DC]
1200 G Street, N.W., Suite 800
Washington, D.C. 20005
Tel. (202) 434-4513
Fax: (866) 764-6442
Glattimer@lattimerlaw.com

Malik Z. Shabazz [458434DC]
Black Lawyers for Justice
1200 G Street, N.W., Suite 800
Washington, D.C. 20005
Tel: (202) 434-4528
Fax: (202) 248-4478
attorney.shabazz@yahoo.com

Reginald A. Greene[308674GA]
Greene Legal Group, LLC
One Georgia Center, Suite 605
600 West Peachtree Street, N.W.
Atlanta, Georgia 30308
Tel. (404) 574-4308
Fax: (404) 574-4308
rgreene@greenelegalgroup.com

Counsel for the Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing filed electronically with the Clerk of the Court was served electronically via the Court's electronic filing system on this day of November 12, 2015, upon:

Peter J. Dunne, Esq.
Robert T. Plunkert, Esq.
Pitzer Snodgrass, P.C.
100 South Fourth Street
Suite 400
St. Louis Missouri 63102-1821

Counsel for Defendants City of Ferguson, Chief Thomas, Cosma, Delia, Devouton and McKinnon

Michael E. Hughes, Esq.
Associate County Counselor
Priscilla F. Gunn, Esq.
Assistant County Counselor
41 S. Central
Ninth Floor
Clayton, MO 63105

Counsel for St. Louis County, Chief Belmar, Bates, Hill, Jackson, McCann, McCoy, Patterson, Payne, Ryan Valentine and Vinson

/s/ Gregory L. Lattimer